

REMARKS

In response to the Final Office Action mailed September 23, 2005, the undersigned agent first wishes to thank Examiner Cho for granting the telephonic interview on November 18, 2005, and discussing the merits of the §103 rejection to claims 13-30 over Krayeski in view of Hokkanen. At the conclusion of the interview, the Examiner agreed to review the claims and the cited art in light of the discussion and conduct a further search.

Claim 13 calls out that both a first and a second transceiver at a local base station receive an access request. The access request may be sent over a control channel to the local base station. The second transceiver verifies that the first transceiver is functional by comparing the access request received by both the first and second transceivers. The Examiner admits that Krayeski fails to teach or suggest any of the claim elements, but states that Hokkanen does. As discussed in the interview, however, Hokkanen fails to remedy the deficiencies of Krayeski.

Hokkanen discloses a method in which two base station receivers receive traffic signals from a mobile station. The stated fundamental goal of Hokkanen is to determine if one of those receivers fails as quickly as possible. Thus, Hokkanen explicitly teaches that the two receivers perform the disclosed method “[d]uring normal traffic.” Hokkanen, col. 3, ll. 1-3. Because the Hokkanen receivers make their determination “during normal traffic,” the mobile station in Hokkanen must have already sent an access request to the base station, and received a channel assignment in response. Thus, Hokkanen does not verify the functionality of a transceiver based on comparing an access request received by two base station transceivers, but rather, necessarily waits until after the access request has been sent and responded to by the base station.

Further evidencing this fact is that Hokkanen never indicates that either of the two disclosed receivers is ever tuned to a control channel to receive an access request. Rather,

there is every indication that the Hokkanen receivers are not tuned to a control channel.

Specifically, Hokkanen discloses that the comparator unit averages the received signal levels over an interval that is as long as possible to minimize the effect of occasional variations.

Hokkanen, col. 3, ll. 3-6. These long intervals are indicative of the elapsed time during which a mobile station communicates over a traffic channel that has already been assigned in response to an access request – not to the short time required for the mobile station to send an access request over a control channel. Therefore, Hokkanen does not teach or suggest verifying the functionality of a first transceiver based on a comparison of an access request received by both first and second transceivers.

The Examiner also asserted that one skilled in the art would be motivated to modify Krayeski according to the Hokkanen teachings. However, as stated in the interview, the two references cannot be combined. Modifying Krayeski according to Hokkanen would render Krayeski unusable for its intended purpose, and would provide nothing more than Hokkanen already provides. In addition, Hokkanen teaches away from a combination with Krayeski.

Specifically, Krayeski discloses a special diagnostics mode that a service provider uses to test the return loss of base station antennas. Krayeski teaches using two base station transceivers – each of which is used to test the other. During the diagnostic mode, Krayeski places the first transceiver in a continuous transmit mode, and tunes the second transceiver exclusively to the transmit frequency of the first transceiver. Krayeski then places the second transceiver in a continuous transmit mode, and tunes the first transceiver exclusively to the transmit frequency of the second transceiver. In other words, the Krayeski method necessarily requires that only one of the transceivers exclusively transmits a signal, while the other of the transceivers exclusively receives that signal.

This “transmit-receive exclusivity” between the two transceivers as taught by Krayeski is fundamentally incompatible with the required “non-exclusive continuous receive” operation of

the two receivers as taught by Hokkanen. The Krayeski method requires tuning each transceiver at different times to a different transmit frequency (i.e., the transmit frequency of the other transceiver). The Hokkanen receivers, in contrast, are necessarily tuned to the same traffic frequency at the same time. Moreover, because the Krayeski method requires that one cross-coupled transceiver continuously transmits while the other receives (Krayeski, col. 3, ll. 38-39; ll. 66-67), it necessarily cannot employ two receivers that continuously receive. Indeed, modifying both Krayeski transceivers to continuously receive as per Hokkanen would mean that one transceiver could not be used to test the other and therefore, render Krayeski unusable for its intended purpose.

Finally, Hokkanen teaches away from a combination with Krayeski. The "special diagnostics mode" of Krayeski allows a service provider to test the integrity of the base station antennas from a remote location.

Many service providers spend a great deal of time manually inspecting antennas at each base station for damage due to vandalism and natural deterioration....Therefore, a need exists for an economical and practical method and apparatus for obtaining a diagnostic return loss measurement at the station's antenna port to determine the integrity of the antenna. Such a method would preferably allow the service provider to remotely examine the functionality of the antenna without raising from radio frequency systems operating in adjacent frequency bands.

Krayeski, col. 1, ll. 21-37 (emphasis added). Krayeski specially configures the base station transceivers (i.e., cross couples the transceivers) to accomplish this goal.

Hokkanen, on the other hand, explicitly teaches not entering a special diagnostics mode.

According to Hokkanen,

[t]he most significant drawback of the known solutions ... is that they are not suitable for continuous automatic monitoring of a receiver unit of a base station as according to them, the network operator must perform special test operations. As a damaged receiver unit is not detected automatically but only after special test operations, it may take rather a long time before a damaged receiver unit of a base station is detected. The receiver unit of the base station may thus be inoperative for rather a long time before the network operator is informed of the malfunction.

Hokkanen, col. 1, ll. 46-55 (emphasis added). Hokkanen therefore places both receivers in a continuous receive mode at the same time to avoid the need to enter a diagnostics mode.

These two stated goals are fundamentally inapposite to each other. This is evidenced by the way both Krayeski and Hokkanen configure their respective systems such that one cannot be used for – or with – the other.

Neither Krayeski nor Hokkanen, alone or in combination, teaches or suggests claim 13. Moreover, claims 16 and 24, which the Examiner rejects over the same art and for similar reasons, are also patentable. Claim 16 differs from claim 13 only in that the signals received by the first and second transceivers need not be access requests. However, as stated above, the cited references cannot be combined to render claim 16 obvious. Claim 24 differs only in that an alarm is generated based on the comparison of the received access requests. However, claim 24 contains language similar to that of claim 13, and thus, is patentably non-obvious for reasons similar to those stated above.

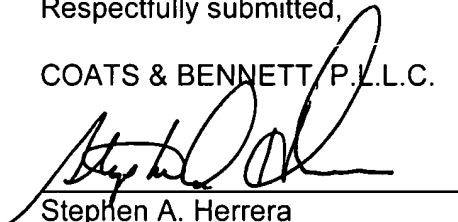
Claim 27 also contains language similar to that of claim 13, but in addition, explicitly recites that the transceiver listens to access requests “on a control channel in a remote cell.” Krayeski teaches that the base station listens to transmissions generated by the base station itself. Thus, by definition, Krayeski does not listen for access requests on a remote control channel in a remote cell.” Hokkanen experiences the same deficiency as it teaches the base station listening to mobile stations within its own cell. Neither reference teaches or suggests, alone or in combination, that a transceiver listens to access requests “on a control channel in a remote cell.” Therefore, in addition to the reasons cited above, claim 27 is patentably non-obvious over the cited references for this additional reason.

The cited references do not teach or suggest, alone or in combination, any of claims 13, 16, 24, and 27. Because the cited references fail to render these independent claims obvious, they necessarily fail to render their respective dependent claims obvious as well. Therefore, the

§103 rejection of claims 13-30 fails as a matter of law and Applicants respectfully request the allowance of all pending claims.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

A handwritten signature in black ink, appearing to read "Stephen A. Herrera", is written over a horizontal line.

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